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12
13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

15 FLATWORLD INTERACTIVES LLC, a)
16 Pennsylvania limited liability company,)
17 Plaintiff,)
18 v.)
19 APPLE INC, a California corporation,)
20 Defendant.)
21 _____)

No. C 12-01956 JSW

**DECLARATION OF STEVE
BERMAN IN OPPOSITION TO
APPLE'S MOTION TO DISQUALIFY
HAGENS BERMAN SOBOL
SHAPIRO LLP**

Noticed hearing date and time:
July 26, 2013, 9:00 AM, Courtroom 11

1 I, Steve Berman, declare:

2 1. I am the managing partner of Hagens Berman Sobol Shapiro LLP (“Hagens
3 Berman”), and I am lead counsel for FlatWorld Interactives LLC (“FlatWorld”) in this matter. I
4 make this declaration based upon my personal knowledge and am competent to testify as to the
5 matters stated herein.

6 2. I have never consulted with John McAleese directly or indirectly with respect to any
7 aspect of FlatWorld’s case against Apple. Mr. McAleese is not Hagens Berman’s co-counsel in
8 this litigation.

9 3. I have communicated with John McAleese only once during a sixteen minute
10 telephone call on April 4, 2013 regarding an employment law issue, and we also exchanged emails
11 regarding this issue at the same time. Mr. McAleese did not provide any Apple confidential or
12 privileged information to me during these communications, nor did he provide any advice, counsel,
13 comments or instructions regarding this litigation.

14 4. The first time that I learned that Jennifer McAleese had forwarded email
15 communications with Hagens Berman and copies of Apple pleadings to John McAleese was after
16 John McAleese’s call to Mark Carlson on February 26, 2013 was reported to me.

17 5. The first time that I learned of any relationship between MLB and Apple was after
18 John McAleese’s call to Mark Carlson on February 26, 2013 was reported to me.


19 6. I am unaware of any confidential Apple information given to me, Hagens Berman,
20 or anyone employed by or working on behalf of Hagens Berman, by John McAleese, Jennifer
21 McAleese, or Slavoljub Milekic. The only confidential Apple information that I have ever seen
22 was produced to Hagens Berman by Apple in response to this Court’s disclosure requirements and
23 FlatWorld’s discovery requests.

24 7. To the best of my knowledge, all documents in the possession, custody, or control
25 of FlatWorld, Jennifer McAleese, or Slavoljub Milekic that are responsive to this Court’s
26 disclosure requirements or Apple’s discovery requests have either been produced or listed on a
27 privilege log. No documents have been intentionally destroyed, concealed, mischaracterized, or
28 withheld and not logged.

8 9. Hagens Berman attorneys have billed 2,837.20 hours to the FlatWorld litigation
9 against Apple as of April, 2013. The firm has invested hundreds of thousands of dollars in expert
10 witness fees.

1 I declare under penalty of perjury that the foregoing is true and correct.

Signed in Seattle, Washington, this 11th day of June, 2013.


Steve Berman

CERTIFICATE OF SERVICE

I hereby certify that on June 11, 2013, I electronically filed the foregoing document using the CM/ECF system which will send notification of such filing to the email addresses registered in the CM/ECF system, as denoted on the Electronic Mail Notice List. Any non-CM/ECF participants will be served by electronic mail, facsimile and/or overnight delivery.

/s/ Steve W. Berman
STEVE W. BERMAN